

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC NO. 105 OF 1992

JUSTUS MWIRICHIA & 10 OTHERS (SUING ON BEHALF OF 46 OTHERS)

KATHERI FARMERS CO. LTDPLAINTIFF

VERSUS

KATHERI FARMERS COMPANY LTDDEFENDANT

RULING

1. In the application dated 20.9.2015 and filed on 13.9.2017, applicant seeks orders of the review of the judgment herein. The applicant is one M'Ruteere M'Mwambia, who has sworn an affidavit filed in court on 13.9.2017. What applicant avers is that the suit was heard in their absence. Apparently, applicant is representing other shareholders of the company.

2. The judgment that applicant seeks to have reviewed was delivered on 29.9.2011. I have not seen any compelling reasons to order for a review. I have also taken into account the age of this case. This suit was commenced in 1992. 26 years down the line, Applicants want the matter to start all over again. The court has a constitutional mandate to ensure that justice is administered expeditiously.

3. Finally, I find that there is inordinate delay in both the period of filing the application and in prosecution of the same. Applicants claim that they learnt about the progress of the case in October 2015. Why was the application filed three years thereafter in September 2017. The delay is inexcusable and inordinate.

4. I find no merits in the application. The same is dismissed with costs to respondent.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 25TH DAY OF JULY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Ogoti for plaintiffs

HON. LUCY. N. MBUGUA

ELC JUDGE